



NRC NEWS

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NRC CITES NASA FOR VIOLATIONS OF NRC REQUIREMENTS

The Nuclear Regulatory Commission has cited the National Aeronautics and Space Administration for violations of NRC requirements involving the submission of inaccurate information. The enforcement action against NASA does not entail a fine but does require several corrective actions to prevent recurrence.

An August 2005 letter informed NASA that the NRC Office of Investigations had concluded that a NASA contract Radiation Safety Officer (RSO) deliberately failed to report missing licensed material, as required, and provided incomplete and inaccurate information in writing and orally to an NRC inspector during a December 2002 inspection.

In response to the OI finding, NASA requested the use of the Alternative Dispute Resolution (ADR). ADR is a process in which a neutral mediator with no decision-making authority assists the NRC and licensees in reaching an agreement resolving any differences regarding an enforcement action. An ADR session between NRC staff and NASA representatives was held on Nov. 4, 2005, at the NASA facility in Greenbelt, Md. As a result of that session, as well as a subsequent session held in King of Prussia, on Dec. 19, a settlement agreement was reached.

NASA has agreed that the contract RSO caused NASA to violate NRC requirements when he failed to perform a reasonable and necessary evaluation of information provided to him by a NASA health physics technician to determine whether licensed material reported as missing reached the threshold for reportability under NRC requirements. NASA also agreed that the contract RSO provided inaccurate information to NRC during the inspection. While NASA and the NRC agreed to disagree on the willfulness of the contract RSO's actions, NASA and the NRC agreed that the contract RSO's actions caused NASA to be in violation of NRC requirements, which resulted in this enforcement action.

In addition to actions previously taken by NASA to assure that the violations do not recur, NASA agreed to ensure that others at NASA facilities and other NRC licensees learned from these violations. Those included: increasing the frequency of its internal audits; retaining an independent organization to conduct an annual independent review of the radiation safety program for 2006 and 2007, at a minimum; providing a presentation at the NASA Occupational Health Conference in 2006

describing the violations, the circumstances that led to them, lessons learned and corrective actions. NASA must complete all of the actions by December 31, 2007 and notify the NRC in writing that they have been completed. The NRC agreed to issue a Severity Level III Notice of Violation to NASA but to not issue a civil penalty. Four Severity Level IV violations were also issued.

The terms of the enforcement action have been confirmed via a Confirmatory Order issued by the NRC to NASA.

The contract RSO also took part in the ADR sessions. While the RSO and the NRC also agreed to disagree on the willfulness of his actions, the RSO agreed to take future corrective actions, including providing a lessons learned presentation to NASA Goddard materials-users and also at the 2006 NASA Occupational Health Conference. Those actions were also confirmed in a separate Confirmatory Order to the individual.

Both NASA and the contract RSO may respond to the order in writing within 30 days.

A copy of the enforcement action will be posted on the NRC web site at:
www.nrc.gov/what-we-do/regulatory/enforcement/current.html#materials.

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